



Public Notice

U.S. Army Corps of Engineers, Norfolk District

May 16, 2005

CENAO-TS-G
05-V0967-75

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

University of Virginia Foundation
Research Park at North Fork
Attn: Mr. Frederick A. Missel
P. O. Box 400218
Charlottesville, Virginia 22904-4218

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located between State Routes 649, 606 and 29 north of Charlottesville, Albemarle County, Virginia, and will impact the headwaters of Flat Branch, a tributary to the North Fork Rivanna River.

PROPOSED WORK AND PURPOSE: The applicant received an ASP-18 permit (97-V1961-75) on April 23, 1998 to provide building pad sites and infrastructure facilities supporting the development of a research park. The project would impact approximately 4.40 acres of wetlands and waters of the U. S. (WOUS), down from the 6.12 acres originally proposed. Over 200 acres of the total 560 acre site was to remain in green space, and the applicant mitigated the cumulative loss of wetlands WOUS by creating 0.62 acre of PEM wetlands, purchasing 4.84 credits in the James River Mitigation Wetlands Bank as compensation for the 2.11 acres of PFO wetland impacts, and 0.62 acres of PEM wetlands impacts, preserving 6.44 acres of WOUS (including 11,804 linear feet of intermittent/perennial stream channel), and restoring 380 linear feet of perennial stream channel. To date 2.69 acres of permitted impacts have been finalized. There is no ongoing work at this time. The applicant requests authorization to impact the remaining 1.71 acres of WOUS originally permitted under 97-V1961-75. No additional impact to WOUS is requested.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the

people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.state.va.us.

STATE EVALUATION OF APPLICATION: To comply with Section 401 of the Clean Water Act (the Act), any applicant for a Corps permit for a proposal which may result in a discharge to State waters must provide the Corps with a certification from the Virginia Department of Environmental Quality (DEQ). The DEQ must certify that water quality will be maintained in accordance with State Water Control Law (state law) and that the activity will comply with the applicable provisions of Sections 301, 302, 303, and 306 and 307 of the Act. A certification must set forth any effluent limitations and other limitations, conditions and/or requirements needed to assure compliance with the Act itself and with other appropriate requirements of state law. In Virginia, the 401 Water Quality Certification is issued as a Virginia Water Protection Permit.

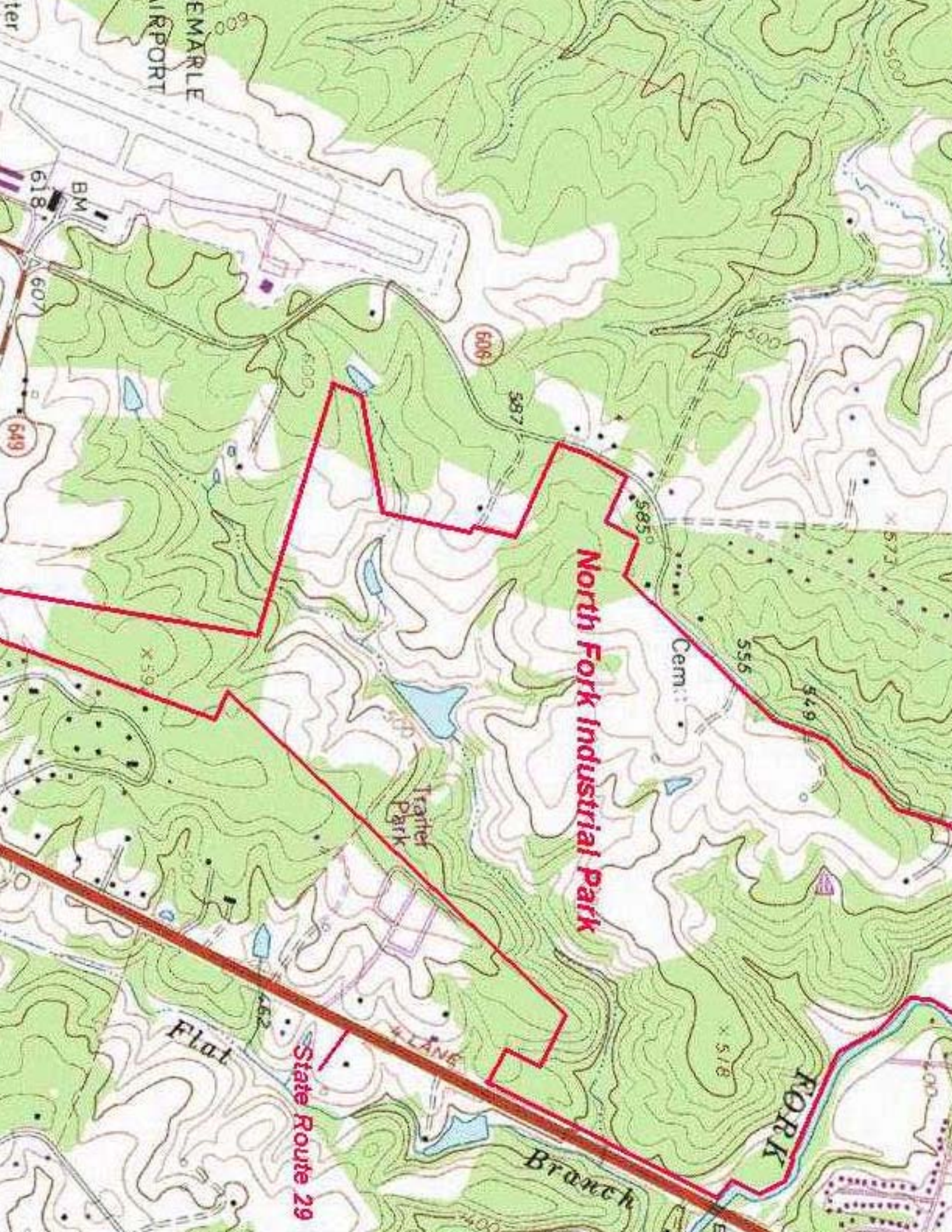
COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), 186 Mill Lane, Staunton, VA 24401, and should be received by the close of business on **June 15, 2005**. Copies will be forwarded to the DEQ.

If you have any questions about this project or the permit process, call one of the following people:

U. S. Army Corps of Engineers
James Brogdon 540-886-4221

FOR THE DISTRICT ENGINEER:

Michael A. Schwinn
Chief, Western Virginia
Regulatory Section



EMARLE
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State Route 29

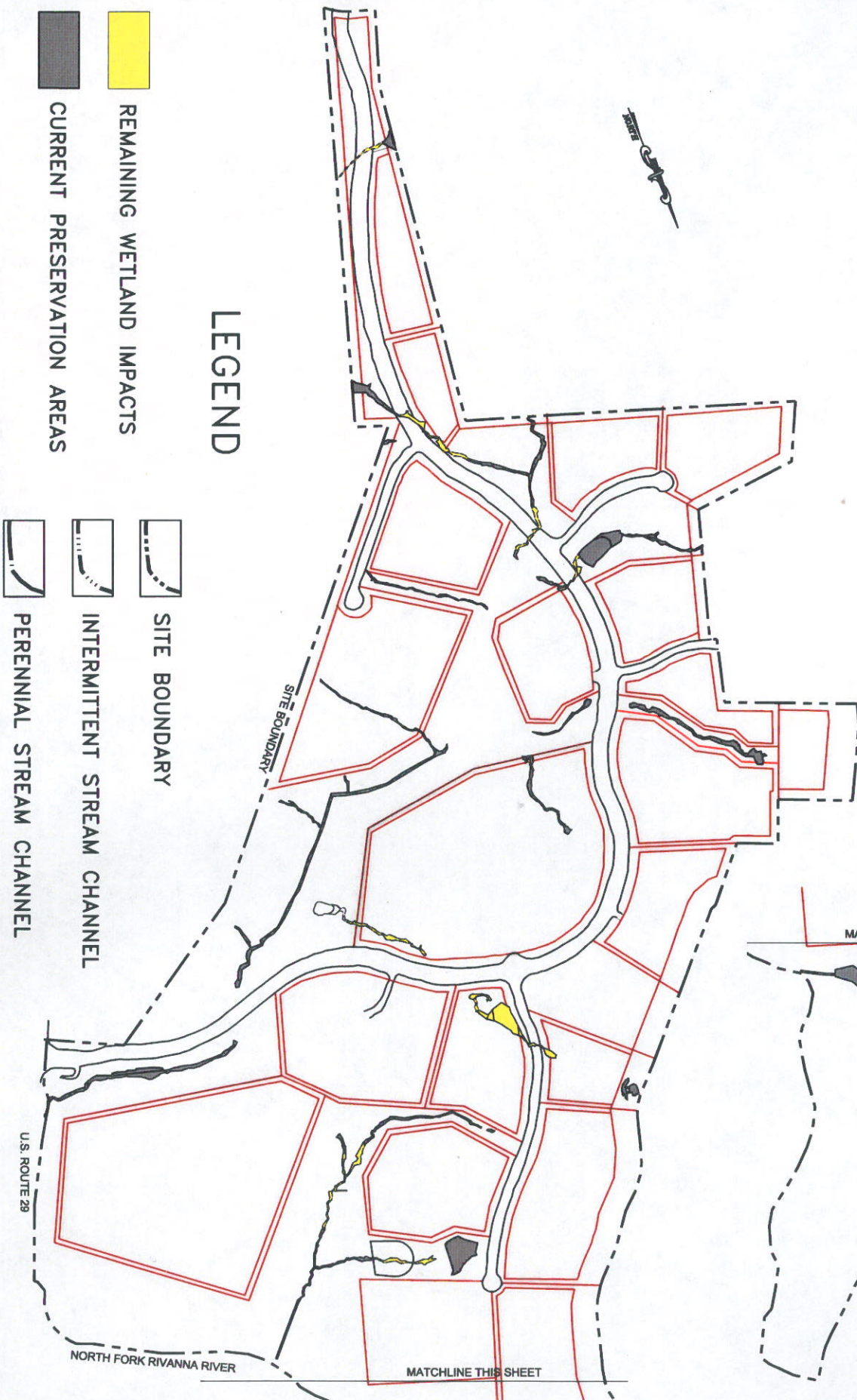
4 LANE

Branch

FORK

RESEARCH PARK AT NORTH FORK UNIVERSITY OF VIRGINIA FOUNDATION

PERMITTED IMPACTS UNDER COE PERMIT #97-V1961-75: 4.40 AC
 PERMITTED IMPACTS COMPLETED: 2.69 AC
 REMAINING IMPACTS NOT COMPLETED: 1.71 AC
 REQUESTED IMPACTS UNDER COE PERMIT #05-V0967-75: 1.71 AC



LEGEND



REMAINING WETLAND IMPACTS



CURRENT PRESERVATION AREAS



SITE BOUNDARY



INTERMITTENT STREAM CHANNEL



PERENNIAL STREAM CHANNEL

U.S. ROUTE 29

NORTH FORK RIVANNA RIVER

MATCHLINE THIS SHEET

MATCHLINE THIS SHEET

EXHIBIT 6B
 REMAINING WETLAND IMPACTS AND CURRENT PRESERVATION AREAS
 PREPARED FOR: THE UNIVERSITY OF VIRGINIA FOUNDATION
 UNIVERSITY OF VIRGINIA
 RESEARCH PARK AT NORTH FORK
 ALBEMARLE COUNTY, VIRGINIA



14000 Mt. Airy Road, Suite 100 - Charlottesville, VA 22901
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 wetland@wetland.com

REVISED	DATE	DESCRIPTION	BY	CHK
1	4/15/2005	Initial	JLH	
2	4/15/2005	Revised	JLH	
3	4/15/2005	Revised	JLH	
4	4/15/2005	Revised	JLH	
5	4/15/2005	Revised	JLH	
6	4/15/2005	Revised	JLH	
7	4/15/2005	Revised	JLH	
8	4/15/2005	Revised	JLH	
9	4/15/2005	Revised	JLH	
10	4/15/2005	Revised	JLH	

DATE: 4/15/2005 SCALE: 1" = 200'